S.B.CRIMINAL MISC. BAIL APPLICATION NO.4762/2007

(Sadhu Singh & Ors. vs. State of Rajasthan)

DATE OF ORDER : October 04, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.D.S.Dev, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioners as well as the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioners that though the document has been titled as agreement but the averment/recital of the document in clear terms shows that the land has been mortgaged and the possession of which has been given to the first informant, in whose favour the mortgage has been executed. Para 1 and 2 of the agreement in clear terms state that the property has been mortgaged and possession thereof has been given to the first informant. In the circumstances, therefore, it appears to be a civil transaction.

Be that as it may, without commenting on the merit of the case, having regard to the facts and circumstances of the case, I consider it just and proper to grant anticipatory bail to the petitioners.

Accordingly, the bail application filed by the petitioners under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Sadhu Singh s/o Tara Singh, Jarnail Singh s/o Tara Singh and Nirmal Singh s/o Tara Singh in FIR No.567/2007, P.S. Anoopgarh, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-